

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 13 2017

JAMES W. McCORMACK, CLERK
By: *[Signature]* DEP CLERK

Jason McGehee, Stacey Johnson,
Bruce Ward, Terrick Nooner,
Jack Jones, Marcel Williams,
Kenneth Williams, Don Davis,
and Ledell Lee

Plaintiffs

v.

Case No. 4:17-cv-179-KGB

Asa Hutchinson, Governor of the State of Arkansas,
in his official capacity, and Wendy Kelley, Director,
Arkansas Department of Correction, in her
official capacity

Defendants

Brief in Support of Motion for Leave to File *Amicus Brief*

Fresenius Kabi USA, LLC, and West-Ward Pharmaceuticals Corp.
(the Manufacturers), for their brief in support of motion for leave to file
amicus brief, state:

1. The Court has authority and discretion to allow briefs from *amicus curiae* with unique information or perspectives.

District courts have inherent authority and discretion to allow
amicus briefs when:

- the *amicus curiae* has unique information or perspective that can help the court;



- the *amicus curiae* has an interest in another case that may be affected by the decision in the present case; or
- a party is not represented competently or not represented at all. *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136–37 (D.D.C. 2008).

A district court may therefore grant leave to file an amicus brief if it is “timely, useful, or otherwise.” *United Fire & Casualty Co. v. Titan Contractors Service, Inc.*, 2012 WL 3065517, *6–7, 2012 U.S. Dist. LEXIS 104908, *17 (E.D. Mo. July 27, 2012) (quoting *Mausolf v. Babbitt*, 158 F.R.D. 143, 148–49 (D. Minn. 1994)). For example, where the third parties had knowledge, experience, and perspective related to the issues, the court in *United Fire & Casualty* found that the case would be well-served by letting them appear as *amici curiae* to help the court resolve the dispute. *Id.*

The Manufacturers have knowledge, experience, and perspective that go beyond that of the parties in this case. They manufacture lifesaving medicines. But the State of Arkansas appears to be about to use some of those medicines to end life rather than save it. This is so despite the Manufacturers’ implementation of distribution protocols to prevent this and the public-health risk that could result from use of these medicines for capital punishment.

2. The Companies are uniquely positioned to explain the public-health risks of using the medicines for capital-punishment purposes.

2.1. Fresenius Kabi USA, LLC (Fresenius Kabi)

Fresenius Kabi is focused on the care of critically and chronically ill patients. One drug in its portfolio is potassium chloride, which is marketed globally, including in the United States through Fresenius Kabi USA, LLC.¹ Fresenius Kabi supplies a significant portion of the potassium chloride in the United States. Over the past several years, the United States has faced shortages of potassium chloride – most recently listed on April 4, 2017² – and Fresenius Kabi has worked closely with the U.S. Food and Drug Administration during these times to ensure supply of this drug.

Fresenius Kabi has sought to ensure that its medicines will not be used for capital punishment. It has made its position clear in public, has notified state authorities and departments of correction, and has instituted distribution controls to ensure that the drugs are only used to

¹ Fresenius Kabi USA, LLC was known until August 2012 as APP Pharmaceuticals, LLC, when its name was changed. Certain of its drugs still carry labeling and packaging referring to APP Pharmaceuticals. For simplicity, we refer to Fresenius Kabi throughout this brief even where labeling reflects the name APP.

² See <https://www.ashp.org/Drug-Shortages/Current-Shortages/Drug-Shortage-Detail.aspx?id=696> (last visited on April 13, 2017).

save and sustain lives of patients. As more fully explained in the proposed *amicus* brief, Fresenius Kabi has instituted measures to safeguard supply of lifesaving medicines for patient care by prohibiting the use of certain of its products for lethal injection.

If the State of Arkansas has obtained Fresenius Kabi-manufactured potassium chloride to use in capital punishment—as appears to be the case—it would have been contrary to and in violation of the company's contractual supply-chain controls. *See Exhibit A* (redacted label and package insert showing that the potassium chloride originated from Fresenius Kabi, which has been represented to be the potassium chloride that may be used in the impending lethal injections in Arkansas). Fresenius Kabi seeks to appear in this matter as *amicus curiae* to share with the Court the public-health risks of diverting these lifesaving medicines from the healthcare industry to the Department of Correction for capital-punishment purposes.

2.2. West-Ward Pharmaceuticals Corp. (West-Ward)

West-Ward, a wholly-owned subsidiary of Hikma PLC, manufactures and supplies high-quality, generic medicines across the United States, including midazolam. The World Health Organization has included midazolam on its “List of Essential Medicines” as a sedative.

<http://www.who.int/medicines/publications/essentialmedicines/EML>

2015 FINAL amended NOV2015.pdf?ua=1 (last visited April 13, 2017). West-Ward is an important supplier of midazolam for not only Arkansas but also the entire United States, supplying approximately one-third of the United States market demand by volume for this critical medicine.

West-Ward has also sought to ensure that its medicines will not be used for capital punishment since, being committed to improving and saving lives, it is inconsistent with West-Ward's mission and core values. West-Ward has publicly made its position clear through the posting of its position on its and its corporate parent's websites and through direct correspondence with attorneys general, governors, and departments of correction in various states. Further, West-Ward instituted distribution controls to ensure that the drugs are not used in connection with lethal-injection protocols, including instructing that such medicines be sold only to pre-authorized customers who agree not to sell them to departments of correction, other entities that intend to use them for lethal injection, secondary distributors, or retail pharmacies.

Despite these controls, it appears as if West-Ward's midazolam may have been obtained and is intended to be used in connection with capital punishment in Arkansas. *See* Exhibit B (redacted label and package insert of midazolam product alleged to be used in the

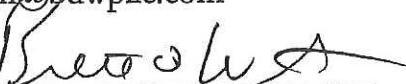
executions). This suggests a violation of the above-described contractual controls. West-Ward seeks to appear in this matter as *amicus curiae* to share with the Court the public-health risks of diverting this critical medicine from advancing human health and quality of life to ending human life.

As manufacturers of the drugs at issue, the Manufacturers are in a unique position to highlight the public-health risk of using the drugs as part of Arkansas's lethal-injection program. They respectfully ask the Court to grant their motion for leave to file the *amicus* brief attached to the motion.

Respectfully submitted,

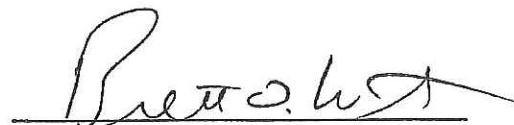
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By:


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Certificate of Service

A copy of the foregoing has been conventionally filed and notice of filing has been sent to all counsel of record on April 13, 2017, via the CM/ECF system.


Brett D. Watson

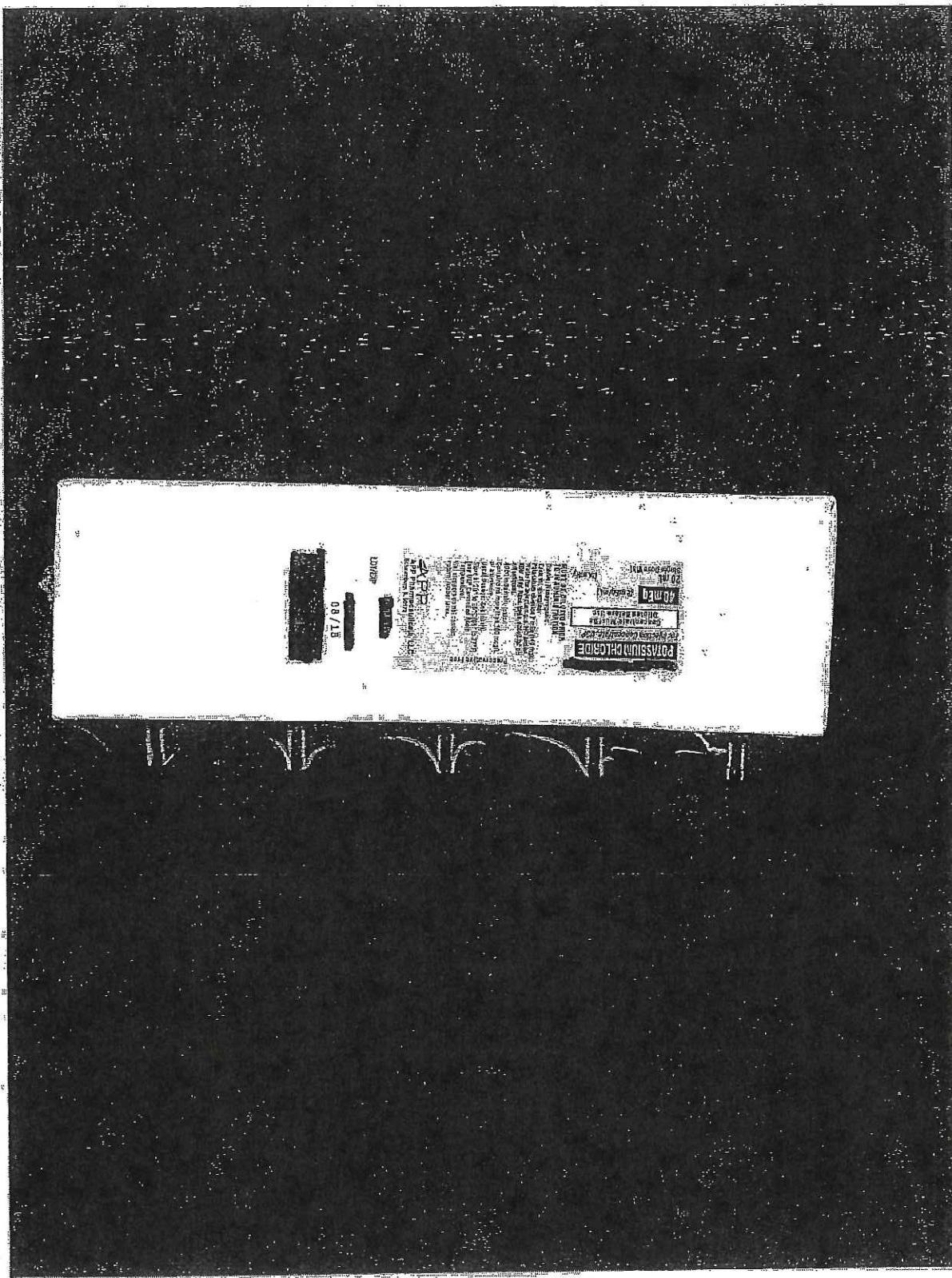


Exhibit A

APP

457675 Revised: April 2000

**POTASSIUM CHLORIDE
FOR INJECTION CONCENTRATE, USP**

**Concentrate Must Be
Diluted Before Use**

**FOR INTRAVENOUS INFUSION ONLY
MUST BE DILUTED PRIOR TO INJECTION.**

DESCRIPTION:

Potassium Chloride for Injection Concentrate, USP is a sterile, nonpyrogenic, concentrated solution of Potassium Chloride, USP in Water for Injection to be administered by intravenous infusion only after dilution in a larger volume of fluid.

Each mL of Potassium Chloride for Injection Concentrate contains 2 mEq of K⁺ and Cl⁻ equivalent to 149 mg of potassium chloride and has an osmolality of 6000 mOsmol/L (osm). A more concentrated Potassium Chloride for Injection Concentrate is also available. Each mL of this injection contains 3 mEq of K⁺ and Cl⁻ equivalent to 224 mg of potassium chloride and has an osmolality of 6000 mOsmol/L (osm). pH (4.6-8.0) may have been adjusted with hydrochloric acid and the necessary potassium hydroxide.

Some packages are intended for multiple dose use and contain preservatives (0.05% methylparaben and 0.005% propylparaben). A summary of the available products is presented in the HOW SUPPLIED section.

Potassium Chloride for Injection Concentrate (appropriately diluted) is a parenteral fluid and electrolyte replacement.

CLINICAL PHARMACOLOGY:

Potassium is the chief cation in body cells (70-90% of intracellular water) and is concerned with the maintenance of body fluid composition and electrolyte balance. Potassium participates in carbohydrate utilization and protein synthesis, and is critical in the regulation of nerve conduction and muscle contraction, particularly in the heart. Changes in the major extracellular anion closely follow the major extracellular cation, and changes in the major cation of the body are reflected by changes in the chloride concentration.

Normally about 80 to 90% of the potassium excreted in the urine; the remainder is in the stools and to a small extent in the perspiration. The kidney does not conserve potassium well, so that during fasting, or in patients on a potassium-free diet, potassium loss from the body continues, resulting in potassium depletion. A deficiency of either potassium or chloride will lead to loss of the other.

INDICATIONS AND USAGE:

Potassium Chloride for Injection Concentrate, USP is indicated in the treatment of potassium deficiency states when parenteral replacement is feasible.

CONTRAINDICATIONS:

Potassium Chloride for Injection Concentrate is contraindicated in diseases where hyperkalemia is encountered, and in such fevers may be uncontrolled, and in septicemia with hyperventilation, repeated uremia and in conditions in which potassium retention is present.

WARNINGS:

WARNING: This product contains aluminum. Aluminum may be toxic.

Potassium Chloride for Injection Concentrate
Injection Concentrate is also available. Each
ml of this injection contains 3 mEq of K⁺ and
Cl⁻ equivalent to 224 mg of potassium chloride
and has an osmolarity of 6000 mOsmol/L (calc).
pH (4.0-8.0) may have been adjusted with
hydrochloric acid and if necessary, potassium
hydroxide.

Some packages are intended for multiple
dose use and contain preservatives (0.05%
methylparaben and 0.005% propylparaben).
A summary of the available products is pre-
sented in the HOW SUPPLIED section.

Potassium Chloride for Injection Concentrate
(appropriately diluted) is a parenteral fluid and
electrolyte replenisher.

CLINICAL PHARMACOLOGY:

Potassium is the chief cation of body cells
(160 mEq/L of intracellular water) and is con-
cerned with the maintenance of body fluid
composition and electrolyte balance. Potas-
sium participates in carbohydrate utilization
and protein synthesis, and is critical in the
regulation of nerve conduction and muscle
contraction, particularly in the heart. Chloride,
the major extracellular anion, closely follows
the metabolism of sodium, and changes in the
acid-base balance of the body are reflected by
changes in the chloride concentration.

Normally about 80 to 90% of the potassium
intake is excreted in the urine, the remainder
in the stools and to a small extent, in the per-
piration. The kidney does not conserve potas-
sium well, so that during fasting, or in patients
on a potassium-free diet, potassium loss from
the body continues resulting in potassium
depletion. A deficiency of either potassium or
chloride will lead to a deficit of the other.

INDICATIONS AND USAGE:

Potassium Chloride for Injection Concentrate,
USP is indicated in the treatment of potassium-
deficiency states when oral replacement is not
feasible.

CONTRAINDICATIONS:

Potassium Chloride for Injection Concentrate is
contraindicated in diseases where high potas-
sium levels may be encountered, and in
patients with hypokalemia, renal failure and in
conditions in which potassium retention is
present.

*WARNINGS:

WARNING: This product contains aluminum
that may be toxic. Aluminum may reach toxic
levels with prolonged parenteral administration
if kidney function is impaired. Premature
neonates are particularly at risk because their
kidneys are immature and they require large
amounts of calcium and phosphate solutions
which contain aluminum.

Research indicates that patients with im-
paired kidney function, including premature
neonates, who receive parenteral levels of
aluminum at greater than 4 to 5 mcg/kg/day
accumulate aluminum at levels associated
with central nervous system and bone toxicity.
Tissue loading may occur at even lower rates
of administration.

To avoid potassium intoxication, do not
infuse these solutions rapidly. In patients
with renal insufficiency, administration of
potassium chloride may cause potassium
intoxication and life threatening hyperkalemia.

The administration of intravenous solutions
can cause fluid and/or solute overload resulting
in dilution of serum electrolyte concentrations,
dehydration, congested states or
pulmonary edema. The risk of dilutional states
is inversely proportional to the electrolyte con-
centration. The risk of solute overload causing
congested states with peripheral and pul-
monary edema is directly proportional to the
electrolyte concentration.

PRECAUTIONS:

General

Clinical evaluation and periodic laboratory
determinations are necessary to monitor
changes in fluid balance, electrolyte concen-
trations, and acid-base balance during pro-
longed parenteral therapy or whenever the
condition of the patient warrants such evalua-
tion. Significant deviations from normal con-
centrations may require the use of additional
electrolyte supplements or the use of elec-
trolyte-free dextrose solutions to which indi-
vidualized electrolyte supplements may be
added.

Potassium therapy should be guided prima-
rily by serial electrocardiograms, especially in
patients receiving digitalis. Serum potassium
levels are not necessarily indicative of tissue
potassium levels. Solutions containing
potassium should be used with caution in the
presence of cardiac disease, particularly in

the presence of renal disease, and in such instances, cardiac monitoring is recommended. Solutions containing dextrose should be used with caution in patients with overt or known subclinical diabetes mellitus, or carbohydrate intolerance for any reason.

If the administration is controlled by a pump or pump device, care must be taken to discontinue pumping action before the container runs dry or all endothelium may result.

Pregnancy

Fertility Effects: Pregnancy Category C. Animal reproduction studies have not been conducted with potassium chloride. It is also not known whether potassium chloride can cause fetal harm when administered to a pregnant woman or can affect reproduction negatively. Potassium chloride should be given to a pregnant woman only if clearly needed.

ADVERSE REACTIONS:

Reactions which may occur because of the solution or the technique of administration include: local response, infection at the site of injection, venous thrombosis or embolism extending from the site of injection, extravasation, hypervolemia, and hyperkalemia.

Too rapid infusion of hypotonic solutions may cause local pain and rarely, vein irritation. Rate of administration should be adjusted according to tolerance.

Reactions reported with the use of potassium-containing solutions include: nausea, vomiting, abdominal pain and diarrhea. The signs and symptoms of potassium intoxication include: paresthesias of the extremities, areflexia, muscular or respiratory paralysis, mental confusion, weakness, hypotension, cardiac arrhythmias, heart block, electrocardiographic abnormalities and cardiac arrest. Potassium deficits result in disruption of neuromuscular function, and intestinal ileus and dilatation.

If an adverse reaction does occur, discontinue the infusion, evaluate the patient, institute appropriate therapeutic countermeasures and save the remainder of the fluid for examination if deemed necessary.

OVERDOSAGE:

In the event of fluid overload during parenteral therapy, resuscitate the patient's condition, and institute appropriate corrective treatment.

In the event of overdosage with potassium-containing solutions, discontinue the infusion immediately and institute corrective therapy to reduce serum potassium levels.

Treatment of hyperkalemia includes the following:

1. Dextrose Injection, USP, 10% or 25%, containing 10 units of crystalline insulin per 20 grams of dextrose administered intravenously, 300 to 500 ml/hour.
2. Absorption and exchange of potassium using sodium or ammonium cyclandelite exchange resin, orally and/or enema.
3. Hemodialysis and peritoneal dialysis. The use of potassium-containing foods or medications must be eliminated. However, in cases of digitalization, too rapid lowering of plasma potassium concentration can cause digitalis toxicity.

DOSAGE AND ADMINISTRATION:

Potassium Chloride for Injection Concentrate must be diluted before administration. Care must be taken to ensure there is complete mixing of the potassium chloride with the large volume fluid, particularly isotonic bag type containers are used.

The dose and rate of administration are dependent upon the specific condition of each patient.

If the serum potassium level is greater than 5.5 mEq/L, potassium can be given at a rate not to exceed 10 mEq/hour and the concentration of up to 40 mEq/L. The 24 hour total dose should not exceed 200 mEq.

If urgent treatment is indicated (serum potassium level less than 2 mEq/L and electrocardiographic changes and/or muscle paralysis), potassium chloride may be infused very cautiously at a rate of up to 40 mEq/hour. In such cases, continuous cardiac monitoring is essential. As much as 400 mEq may be administered in a 24 hour period. In critical conditions, potassium chloride may be administered in saline (unless contraindicated) rather than in dextrose containing fluids, as dextrose may lower serum potassium levels.

diarrhea, tachypnea, and intestinal ileus and diarrhea.

If an adverse reaction does occur, discontinue the infusion, evaluate the patient, institute appropriate therapeutic countermeasures and save the remainder of the fluid for examination if deemed necessary.

OVERDOSAGE:

In the event of fluid overload during parenteral therapy, reevaluate the patient's condition and institute appropriate corrective measures.

In the event of overdosage with potassium-containing solutions, discontinue the infusion immediately and institute corrective therapy to reduce serum potassium levels.

Treatment of hyperkalemia includes the following:

- Dextrose injection, USP, 10% or 25% containing 10 units of crystalline insulin per 20 grams of dextrose administered intravenously, 300 to 500 mL/hour.

- Absorption and exchange of potassium using sodium or ammonium exchange resin orally and as retainion enemas.

- Hemodialysis and peritoneal dialysis. The use of potassium-containing foods or medications must be eliminated. However, in cases of digitalization, too rapid a lowering of plasma potassium concentrations can cause digitalis toxicity.

DOSAGE AND ADMINISTRATION:

Potassium Chloride for Injection Concentrate must be diluted before administration. Care must be taken to ensure there is complete mixing of the potassium chloride with the large volume fluid, particularly T-soft or bag type containers are used.

The dose and rate of administration are dependent upon the specific condition of each patient.

If the serum potassium level is greater than 2.5 mEq/L, potassium can be given at a rate not to exceed 10 mEq/hour and in a concentration of up to 40 mEq/L. The 24-hour total dose should not exceed 200 mEq.

Urgent treatment is indicated (serum potassium level less than 2 mEq/L and electrocardiographic changes and/or muscle paralysis). potassium chloride may be infused very rapidly at a rate of up to 30 mEq/hour. In such cases, continuous cardiac monitoring is essential. As much as 400 mEq may be administered in a 24-hour period. In critical conditions, potassium chloride may be administered in saline (unless contraindicated) rather than in dextrose containing fluids, as dextrose may lower serum potassium levels.

Prior to entering a vial, cleanse the rubber closure with a suitable antiseptic agent.

Potassium drugs products should be inspected visually for particulate matter and/or discoloration prior to administration whenever solution and container permit.

HOW SUPPLIED:

The following are packaged in plastic vials:

Product No.	NDC No.	Total Potassium Chloride mg.	Per mL	Volume
59500	53323-965-05	10 mEq (0.39 g)	149 mg	10 mL
59510	53323-965-10	20 mEq (0.79 g)	149 mg	10 mL
59515	53323-965-15	30 mEq (1.18 g)	149 mg	10 mL
95620	53323-965-20	40 mEq (1.58 g)	149 mg	10 mL

These are Single Dose Vials and preservative added, packaged 25 vials per tray. Unused portion of vial should be discarded.

Product No.	NDC No.	Total Potassium Chloride mg.	Per mL	Volume
59530	53323-967-30	30 mEq (1.18 g)	149 mg	30 mL

This is a Multiple Dose Vial, preserved with 0.05% methylparaben and 0.005% propylparaben; packaged 25 vials per tray.

Store at 20° to 25°C (68° to 77°F) [see USP Controlled Room Temperature].

Use only if solution is clear, seal intact and undamaged.

Vial stoppers do not contain natural rubber latex.



APP
Pharmaceuticals, LLC

Schaumburg, IL 60173

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Revised: April 2008

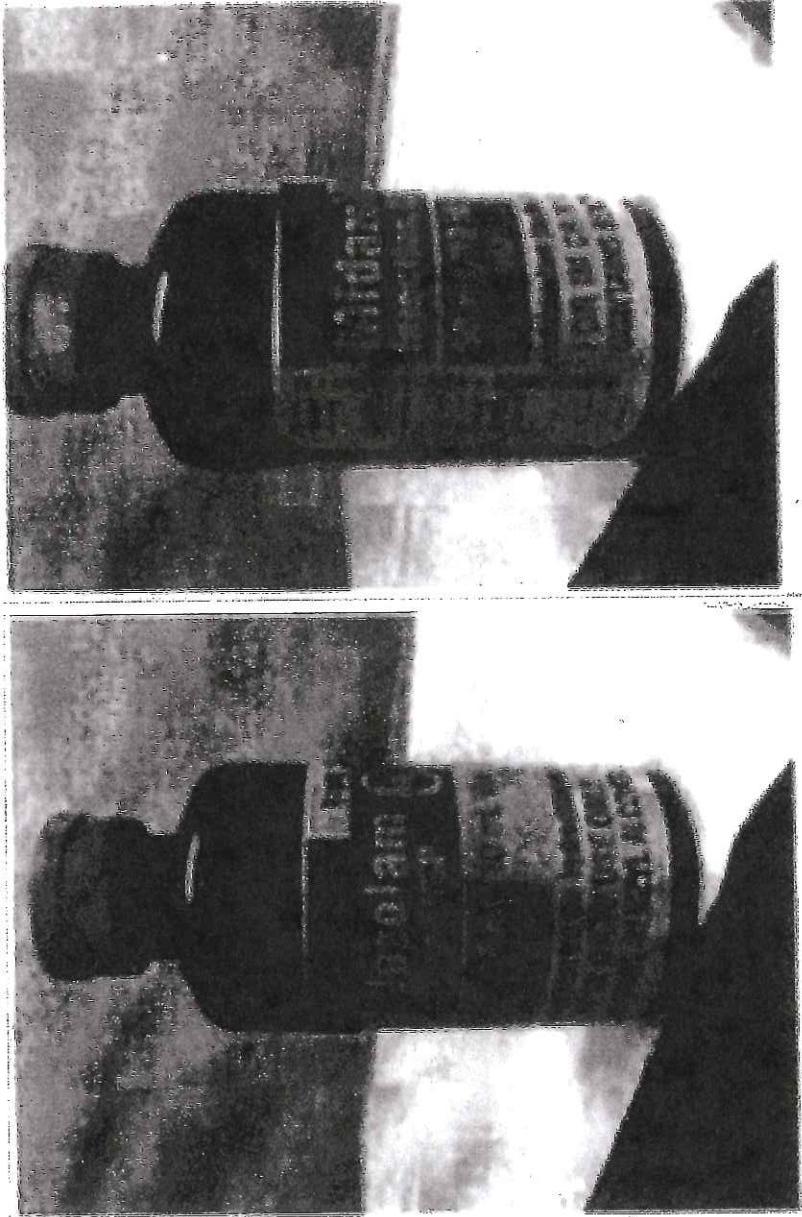
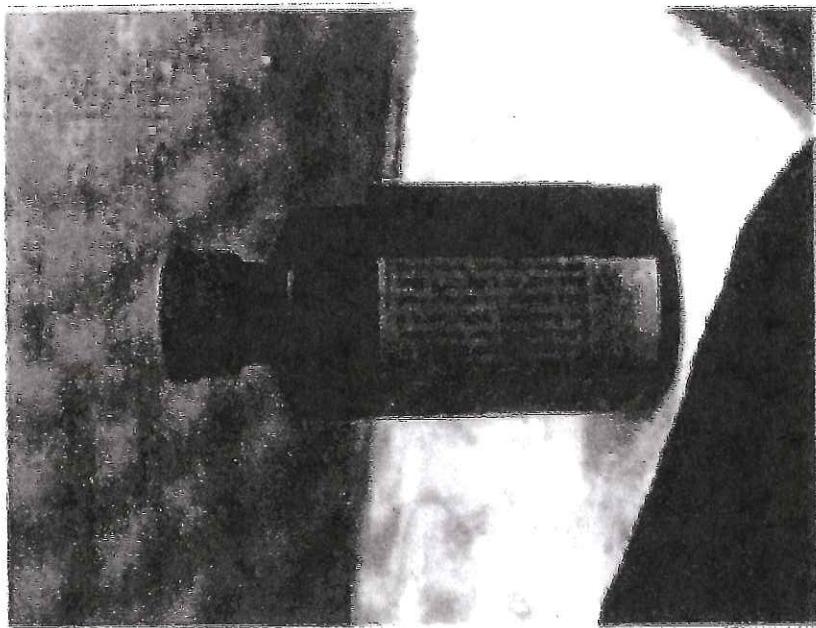


Exhibit B



Midazolam Injection, USP

G
IV
Rx only

Midazolam
Injection, USP

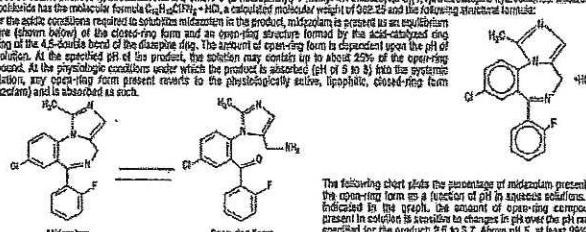
Adult and Pediatric: Intravenous midazolam has been associated with respiratory depression and respiratory arrest, especially when used for sedation in medical care settings. In some cases, where this was not recognized promptly and treated effectively, death or hypoxic asphyxia has resulted. Intravenous midazolam should be used only in hospitals or other medical facilities where resuscitation equipment and personnel trained for cardiopulmonary resuscitation and endotracheal intubation are available, and provide for continuous monitoring of respiratory and cardiovascular function. i.e., pulse, arterial blood pressure, end-tidal carbon dioxide, and provide for continuous availability of resuscitative equipment, including a mechanical ventilator and endotracheal intubation, and personnel trained in their use and skilled in many management of life support. (See **WARNINGS**.) For deeply sedated pediatric patients, a dedicated individual, other than the practitioner performing the procedure, should monitor the patient throughout the procedure.

The initial intravenous dose for sedation in adult patients may be as little as 1 mg, but should not exceed 2.5 mg in a normal healthy adult. Lower doses are necessary for older (over 60 years) or debilitated patients and in patients receiving concomitant drugs or other central nervous system depressants. The initial dose of 1 mg should be followed by subsequent doses at intervals of 1-2 minutes and never at intervals of 2 or more minutes unless carefully evaluating the sedative effect. The sum of the 1 mg/mg formulation dilution of the 1 mg/ml of 8 mg/ml formulation is recommended to facilitate slower injection. Doses of sedative medications in pediatric patients must be calculated on a mg/kg basis, and initial doses and all subsequent doses should always be titrated slowly over at least 2 minutes and never at intervals of 2 or more minutes unless carefully evaluating the sedative effect. The sum of the 1 mg/ml formulation dilution of the 1 mg/ml of 8 mg/ml formulation is recommended to facilitate slower injection. Doses of sedative medications in pediatric patients must be calculated on a mg/kg basis, and initial doses and all subsequent doses should always be titrated slowly. The initial pediatric dose of midazolam for sedation/drowsiness is not age, procedure and route dependent (see **DOSAGE AND ADMINISTRATION** for complete dosing information).

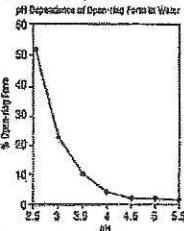
Hypnotic: Midazolam should not be administered by rapid injection in the neonatal population. Severe hypotension and respiratory depression have been reported following rapid IV administration, particularly with concomitant use of fentanyl (see **DOSAGE AND ADMINISTRATION** for complete information).

DESCRIPTION

Midazolam hydrochloride is a water-soluble benzodiazepine available as a sterile, nonpyrogenic parenteral dosage form for intravenous or intramuscular injection. Each mL contains midazolam hydrochloride equivalent to 1 mg or 5 mg midazolam in sterile water for injection. In addition, each mL contains 0.01% methyl paraben, 0.01% propyl paraben, and 0.9% midazolam diluent, with 1% boric acid as preservative; the pH is adjusted to 2.5-3.7 with citric acid. Hydrochloride salt, if necessary, hydrochloric acid is added to adjust the pH of midazolam to a stable pH before crystalline compound dissolves in water. The hydrochloride salt of midazolam, which is formed *in situ*, is soluble in aqueous solutions. Chemically, midazolam HCl is 6-chloro-2-(2-furyl)-4-methyl-4H-1,3-dihydro-5-[1-(4-chlorophenyl)hydrazinyl]imidazo[1,2-a]pyridine-2,5-dione. A benzodiazepine hydrochloride. Midazolam hydrochloride has the molecular formula $C_{17}H_{14}Cl_2N_2 \cdot HCl$, a calculated molecular weight of 302.25 and the following structural formula:



The following chart plots the percentage of midazolam present as the open-ring form as a function of pH in aqueous solutions. As indicated in the graph, the amount of epoxide compound present in solution is sensitive to changes in pH over the pH range plotted for the product 2.5 to 3.7. Above pH 5, at least 95% of the mixture is present in the closed-ring form.



CLINICAL PHARMACOLOGY

Midazolam is a short-acting benzodiazepine central nervous system (CNS) depressant. The effects of midazolam on the CNS are dependent on the dose administered, the route of administration, and the presence or absence of other medications. Onset time of sedative effects after intravenous administration is approximately 10-20 minutes. The onset of sedation following oral administration is approximately 30-60 minutes. In one study, when tested for memory cards, 73% of patients who received midazolam intravenously had no recall of memory cards drawn 30 minutes following drug administration; 49% had no recall of the memory cards drawn 60 minutes following drug administration. Onset time of sedative effects in the pediatric population begins within 8 minutes and peaks at 15 to 30 minutes depending upon the route administered. In pediatric patients, up to 85% had no recall of pictures shown after receiving intravenous midazolam compared with 85% after oral administration. Onset of sedation in adult and pediatric patients is achieved within 5 to 10 minutes after intravenous (IV) infusion; the time of onset is altered by total dose administered and the concurrent administration of narcotic analgesics. Seventy-one percent of the adult patients in an autopsy study had no recall of intravenous or the endotracheal 85% of the patients had no recall of withdrawal of the endotracheal tube. In one study of pediatric patients undergoing lumbar puncture or bone marrow aspiration, 85% of patients had impaired recall vs 95% of the placebo controls. In another pediatric crossover study, 85% of patients treated with midazolam were amnesia compared with 95% of patients who had received placebo.

When midazolam is given IV as an anesthetic induction agent, induction of anesthesia occurs in approximately 1.5 minutes when intravenous premedication has been administered and 3 to 2.5 minutes without narcotic premedication or other sedative premedication. Some impairment in a test of memory was noted in 90% of the patients studied. A dose-response study of pediatric patients premedicated with 1.0 mg/kg intravenous (IV) midazolam found that only 4 of 6 pediatric patients who received 0.05 mg/kg IV midazolam had complete loss of eye closure at 100 \times 140 seconds. The greater the dose, the longer the duration of action. At 1.0 mg/kg IV midazolam, the time to eye closure was 100 \times 3.5 seconds. Midazolam did not significantly induce anesthesia at this dose despite preexisting hypnotic premedication in pediatric patients.

Midazolam, used as a sedative, does not delay awakening from general anesthesia in adults. Gross tests of recovery after awakening (orientation, ability to stand and walk, suitability for discharge from the recovery room, return to baseline vigilance competency) usually indicate recovery within 2 hours but recovery may take up to 6 hours in some cases. When compared with patients who received thiopental, patients who received midazolam generally recovered at a slightly slower rate. Recovery from anesthesia or sedation for procedures in pediatric patients depends on the dose of midazolam given. The dose required to produce a maximum effect on respiration in children is approximately 10 times the dose required in adults. In patients without intraventricular pressure, induction of general anesthesia with IV midazolam is associated with a significant decrease in intraventricular pressure and decreased conductance (enhanced airway measurements) while maintaining arterial blood pressure. Similar studies have been reported in pediatric patients.

The usual recommended intramuscular preinduction dose of midazolam does not depress the ventilatory response to carbon dioxide stimulation to a clinically significant extent in adults. Intravenous induction dose of midazolam depresses the ventilatory response to carbon dioxide stimulation for 15 minutes and may delay the return of voluntary respiration following administration of thiopental. In adults, intramuscular ventilation responses to carbon dioxide stimulation in patients receiving midazolam are similar to those in patients receiving thiopental. (See **General Anesthesia**.) IV midazolam does not significantly affect the mechanics of respiration (respiratory static recoil, mean lung volume, maximum total lung capacity, peak expiratory flow) except to decrease significantly both static compliance and maximum expiratory flow at 20% of peak total lung capacity (V_{max}). Increase. In one study of pediatric patients under general anesthesia, intramuscular midazolam (100 or 200 μ g/kg) was shown to depress the response to carbon dioxide in a dose related manner.

In cardiac hemodynamic studies in adult IV induction of general anesthesia with midazolam was associated with a slight to moderate decrease in mean arterial pressure, cardiac output, stroke volume and total peripheral resistance. Systolic blood pressure (less than 50 mm Hg), postural hypotension following premedication for angioplasty, bradycardia, slow heart rates (e.g., sinus bradycardia) in pediatric patients, a dose-related effect of IV midazolam (500 μ g/kg) with protocol (2.5 mg/kg) revealed a mean 15% increase in systolic blood pressure in patients who had received IV midazolam via a mean 25% increase in systolic blood pressure following premed.

Pharmacokinetic Properties: Midazolam's activity is primarily due to its parent drug. Elimination of the parent drug takes place via hepatic metabolism of midazolam. 1-hydroxy-midazolam metabolites that are conjugated and excreted in the urine. Six single-dose pharmacokinetic studies involving healthy subjects and healthy volunteers performed following oral administration of midazolam (0.125 to 0.5 mg/kg) demonstrated that 1-hydroxy-midazolam (0.125 to 0.5 mg/kg) was the major metabolite formed approximately 1 hour after administration. The 0.25 to 0.5 mg/kg dose of midazolam produced approximately 10 times the amount of 1-hydroxy-midazolam in the plasma of the subjects in the dose range studied. In subjects administered 0.15 mg/kg (n=4) and 0.30 mg/kg (n=4) IV doses, indicating linear kinetics. The clearance was dose-dependently reduced by approximately 30% at doses of 0.45 mg/kg (n=6) and 0.6 mg/kg (n=6) indicating non-linear kinetics to this dose range.

Absorption: The absolute bioavailability of the intramuscular route was greater than 90% in a crossover study in which healthy subjects (n=17) were administered a 7.5 mg IV or 160 mg dose. The mean peak concentration (C_{max}) and time to peak (T_{max}) following the IV dose was 90 ng/mL (20% d) and 0.5 to 0.95 ng/mL (1). The time to peak (T_{max}) following the IM dose was 8 ng/mL (1). T_{max} (T_{max}) = 0.5 h.

Following IM administration, C_{max} for midazolam and its 1-hydroxy metabolite were approximately one-half of those achieved after intravenous infusion. Dose-related pharmacokinetic parameters following IM administration were dose proportional. The half-life of midazolam in healthy adult ranged from 1.0-3.1 h. Female perioral site and orally associated with increased levels of midazolam (see Special Population).

In adults and children older than 1 year, midazolam is approximately 67% bound in plasma protein, principally albumin.

Metabolism: In vitro studies with human liver microsomes indicate that the biotransformation of midazolam is mediated by cytochrome P450-3A4. This cytochrome also appears to be present in gastrointestinal tract mucosa as well as liver. Slightly over 50% of the biotransformation products is 1-hydroxy-midazolam and the remaining side hydroxylation while 4-hydroxy-midazolam contributes 5% or less. Simultaneous or a dihydroxy derivative have also been detected, but were not quantitated. The metabolic pathway of midazolam is similar to that of the benzodiazepines.

Drugs that inhibit the activity of cytochrome P450-3A4 may inhibit midazolam clearance and elevate plasma midazolam concentrations.

Studies of the intravenous administration of 1-hydroxy-midazolam in humans suggest that 1-hydroxy-midazolam is at least as potent as the parent compound and may contribute to the net pharmacologic activity of midazolam. In vitro studies have demonstrated that the affinities of 1- and 4-hydroxy-midazolam for the benzodiazepine receptor are approximately 20% and 7%, respectively, relative to midazolam.

Excretion: Clearance of midazolam is reduced in association with mild to moderate heart failure. Liver disease (hepatitis) conditions which do not cause portal and systemic blood flow.

The biological half-life of the active product is 1-hydroxy-midazolam in the form of a glucuronide conjugate smaller amounts of the glucuronic conjugates of 4-hydroxy- and dihydroxy-midazolam detected to 10%. The amount of midazolam excreted unchanged in the urine after a single IV dose is less than 0.5% (n=5). Following a single IV bolus, in 5 healthy volunteers, 45% to 57% of the dose was excreted in the urine as 1-hydroxymethyl midazolam conjugate.

Pharmacokinetic Parameters: The pharmacokinetic profile of midazolam following continuous infusion, based on 22 adult subjects, has been shown to be similar to that following single-dose administration for subjects of comparable age, gender, body habitus and health status. However, midazolam can accumulate in prolonged doses with continuous infusion. The effects of accumulation are greater after long-term infusions than after short-term infusions. The effects of accumulation are best measured by monitoring the lowest midazolam infusion rate that provides satisfactory sedation. Intravenous midazolam infusions have caused desired sedative effect; however, neither the time to onset nor the duration of the episode appeared to be related to plasma concentrations of midazolam or alpha-hydroxymidazolam. Further, there does not appear to be an increased chance of occurrence of a hypotensive episode with increased bolus doses.

Patients with renal impairment may have longer elimination half-lives for midazolam (see **Special Populations: Renal Failure**).

Age and Gestation: In humans, postabsorptive levels or maximum levels were found in guttural venous serum, hepatic venous and arterial serum and renal fluid, indicating bidirectional transfer of the drug. Following intramuscular administration of 0.05 mg/kg of meloxicam, both the venous and the arterial arterial serum concentrations were lower than basal material concentrations. The use of meloxicam in children has not been evaluated in clinical studies. Because meloxicam is transformed pharmacogenically and because their biotransformation plays in the last weeks of pregnancy have resulted in increased COX-2 depression, meloxicam is not recommended for postterm use during lactation. Meloxicam is excreted in human milk. Caution should be exercised when meloxicam is administered to a nursing woman.

Pregnancy: The safety and efficacy of meloxicam have not been established in pregnant and nursing mothers. For specific safety information and dosage guidelines see BOX WARNING, CLINICAL PHARMACOLOGY, INDICATIONS AND USAGE, WARNINGS, PRECAUTIONS, ADVERSE REACTIONS, DOSAGE AND ADMINISTRATION and OVERDOSAGE sections. UNLAWFUL PATENTS, PEDIATRIC PATENTS, OTHER PATENTS, RESEARCH NEEDS, REFERENCES OF THE MEDICAL LITERATURE, and other information can be found in the *Product Monograph*. In patients under 16 years of age (including those under 6 years) pediatric patients may require higher dosage regimens than adult patients, and may require closer monitoring. In older FEDRATIC PATIENTS, the dose should be calculated based on body weight. When meloxicam is given in conjunction with opioids or other sedatives, the criteria for respiratory depression, acute obstruction, or hypoxemia is increased. The health care practitioner who uses this medication in elderly patients should be aware of and follow established professional guidelines for pediatric sedation appropriate to their patient.

Meloxicam should not be administered by rapid injection in the neonatal population. Severe hypotension and seizures have been reported following IV administration, particularly with concomitant use of tetracycline.

Hepatic Use: Because hepatic patients may have altered drug distribution and diminished hepatic and renal function, reduced doses of meloxicam are recommended. Intermediate doses of meloxicam should be decreased for mildly and severely impaired patients (see also DOSAGE AND ADMINISTRATION). In the years of age group 65 and older, the incidence of hepatic impairment is increased. An increase in hepatic enzyme levels after meloxicam administration for the treatment of osteoarthritis, acute gout and IV meloxicam in elderly major hepatic insufficiency patients has been associated with an increase of death due to circumstances compatible with cardiovascular depression. In a most of these cases, the patients also received other central nervous system depressants capable of depressing respiration, especially narcotics.

DOSAGE AND ADMINISTRATION:

Initial dosing and dosing guidelines for pediatric patients are provided in the DOSAGE AND ADMINISTRATION section for postterm patients for guttural venous serum, hepatic venous and IV and IM administration. For solutions of acetaminophen for IV administration and for continuous infusion, see

1. Patients Age 60 or Older, and Dementia or Cognitive Impairment in Patients: Because the danger of hypoglycemia, altered orientation, or coma, is greater in elderly patients and those with cognitive impairment, it is important to monitor these patients closely and to reduce the rate at which they receive glucose. For example, if a patient with dementia has a blood glucose level of 100 mg/dL, it is safe to give him 25 g of carbohydrates to raise his blood glucose level to 125 mg/dL. Wait at a minimum of 15 minutes to evaluate the glucose effect. If additional nutrition is required, the physician should wait at least 4 hours after the first glucose load. This allows greater time for additional oral nutrients such as fruit to发挥了 their insulinotropic effect in this patient, they will require oral intake at least 30 minutes later.
2. Malnutrition: Because nutritional status influences the risk of developing a diabetic ketoacidosis, it is important to maintain a balanced diet in all patients with diabetes. In fact, studies show that patients who are malnourished are at increased risk for developing ketoacidosis. Therefore additional glucose should be avoided in these patients.

Infection of Anesthesia: For Infection of Equipment Anesthesia, before administration

Premedicated Patients: When the patient has received sedative or narcotic premedication, particularly narcotic premedication, the range of recommended doses is 0.15 to 0.35 mg/kg. In average adults below the age of 65 years, a dose of 0.25 mg/kg, administered over 20 to 30 seconds and followed by 5 minutes of recovery, will usually suffice. The initial dose of 0.2 mg/kg is recommended for good risk (ASA I & II) surgical patients over the age of 55 years.

In those patients with severe systemic disease or debilitation, as 0.15 to 0.18 mg/kg may suffice. Narcotic premedication frequently used during clinical trials included fentanyl (1.5 to 2 mcg/kg IV, administered 5 minutes before induction), morphine (dose not exceeded, up to 0.15 mg/kg IV), and meperidine (dose individualized, up to 1 mg/kg IV). Sedative premedications were hydroxyzine (paracetamol (100 mg orally) and sodium succinate (200 mg orally). Except for intravenous fentanyl, administration 5 minutes before induction, all other premedications should be administered approximately 1 hour prior to the time of surgery. An additional dose of midazolam should be given if the patient becomes unresponsive.

Intravenous injection of approximately 25% of the induction dose should be given in response to signs of lightening of anesthesia and repeated as necessary.

Intravenous midazolam can also be used during induction of anesthesia, for surgical procedures, as a component of balanced anesthesia. Effective narcotic premedication is especially recommended in such cases.

CONTINUOUS INFUSION

For continuous infusion, midazolam 0.05 mg/min is recommended, starting at a concentration of 0.5 mg/ml, with 0.9% sodium chloride or 5% dextrose in water.

Pediatric Patients

For continuous infusion, midazolam 0.05 mg/kg/hour is recommended, starting at a concentration of 0.5 mg/ml. This dose may be repeated at 10 to 15 minute intervals until adequate sedation is achieved. For maintenance of sedation, the usual infusion rate is 0.02 to 0.10 mg/kg/hr (1 to 7 mg/hr). Higher loading or maintenance infusion rates may occasionally be required in some patients. The lowest recommended doses should be used in patients with reduced effects from anesthetic drugs, or in those concurrently receiving other sedatives or opioids.

Individual responses to midazolam is variable. The induction rate should be titrated to the desired level of sedation. If the patient remains too awake, the infusion rate should be decreased. Conversely, if the patient remains sedated, the infusion rate should be increased. The induction rate should be performed at regular intervals and the midazolam infusion rate adjusted up or down by 25% to 50% of the initial infusion rate so as to assure adequate titration of sedation level. Larger adjustments or even a small incremental dose may be necessary if rapid changes in the level of sedation are required. In addition, the infusion rate should be decreased by 10% to 20% every 15 minutes to allow for the elimination of midazolam. The minimum effective infusion rate determines the maximum accumulation of midazolam, provided that the most rapid recovery once the infusion is terminated. Patients who exhibit tachypnea, hypertension or tachycardia in response to noxious stimulation, but who are otherwise adequately sedated, may benefit from concurrent administration of an opioid analgesic. Addition of an opioid will generally reduce the minimum effective midazolam infusion rate.

VISUAL ADULT PATIENTS, PEDIATRIC PATIENTS GENERALLY REQUIRING INCREASES OF MIDAZOLAM

Due to the pharmacokinetic properties of midazolam, pediatric patients require higher doses (mg/kg) than do adults. Younger (less than 6 years) pediatric patients may require higher doses (mg/kg) than older pediatric patients and may require dose reductions (see tables below). In obese PEDIATRIC PATIENTS, the dose should be calculated based on ideal body weight. When midazolam is given in conjunction with opioids or other sedatives, the potential for respiratory depression, hypotension or hypotension is increased. For appropriate patient monitoring, see BOX WARNING, WARNING, PRECAUTIONS, and SPECIAL INSTRUCTIONS AND ADMINISTRATION. The health care practitioner who uses this medication to sedate patients should be aware of one whom accepted professional guidelines for pediatric sedation appropriate to their situation.

DOSE/ROUTE/ASSESSMENT OF ALERTNESS/SEDATION (DAAS)

Assessment Categories

Responsive ness	Speech	Facial Expression	Eyes	Composite Score
Responds readily to name spoken in normal tone	normal	normal	clear; no drools	5 (alert)
Lethargic response to name spoken in normal tone	mild slowing or blunting	mild relaxation	glazed or mild ptosis (less than half the eye)	4
Responds only after name called loudly and/or repetitively	slurred or pronounced speaking	marked relaxation	glazed and marked ptosis (more than eye or more)	3
Responds only after mild prodding or shaking	few recognizable words	—	—	2
Does not respond to mild prodding or shaking	—	—	—	1 (deep sleep)

FREQUENCY OF CLINICALLY ASSESSED ALERTNESS/SEDATION COMPOSITE SCORE IN ONE STUDY OF CHILDREN UNDERGOING PROCEDURES WITH INTRAVENOUS MIDAZOLAM FOR SEDATION

Age Range (years)	n	DAAS Score			
		1 (alert)	2	3	4
1-2	18	9 (50%)	4 (22%)	3 (17%)	0
>2-3	22	6 (27%)	8 (36%)	6 (27%)	0
>3-5	34	1 (3%)	8 (24%)	22 (65%)	3 (9%)
>5-12	15	0	4 (27%)	14 (73%)	0
Total (1-17)	59	15 (25%)	19 (32%)	47 (80%)	0 (0%)

INTRAVENOUS MIDAZOLAM
For sedation/intubation/intubation prior to and during procedures or prior to intubation of an intubating catheter the following of additional medication.

INTRAVENOUSLY BY INTUBATION/INTUBATION

For sedation/intubation/intubation prior to and during procedures or prior to intubation.

USUAL PEDIATRIC DOSE (NON-NEUROLOGICAL)

It should be recognized that the dose of sedation/intubation needed for pediatric patients depends on the type of procedure to be performed. For example, simple laryngoscopy and endotracheal intubation in a pediatric patient is quite different from the deep sedation and气管插管 required for an esophageal procedure in a child. For this reason, there is a broad range of doses. For all pediatric patients, regardless of the indication for sedation/intubation, it is vital to limit midazolam and other co-sedentant medications slowly to the desired clinical effect. The initial dose of midazolam should be administered over 2 to 3 minutes. Since midazolam is not water soluble, it is important to dilute the drug in 5% dextrose in water to reduce the GFR. Infusion rates must meet the sedation goal. It is important to fully evaluate the sedative effect before initiating a procedure or intubating a child. If other sedatives capable of depressing the GFR are administered, the peak effect of those co-sedentant medications must be considered and the dose of midazolam adjusted. The importance of drug titration is evident in the safe sedation/intubation of the pediatric patient. The total dose of midazolam will depend on patient response, the type and duration of the procedure, as well as the type and dose of co-sedentant medications.

1. Pediatric patients less than 6 months of age: Initial dose 0.05 to 0.1 mg/kg. A total dose up to 0.4 mg/kg may be necessary to reach the desired endpoint but usually does not exceed 6 mg. Prolonged sedation and risk of hypotension may be associated with the higher doses.

2. Pediatric patients 6 months to 5 years of age: Initial dose 0.05 to 0.1 mg/kg. A total dose up to 0.4 mg/kg may be necessary to reach the desired endpoint but usually does not exceed 6 mg. Prolonged sedation and risk of hypotension may be associated with the higher doses.

3. Pediatric patients 6 to 12 years of age: Initial dose 0.025 to 0.05 mg/kg; total dose up to 0.4 mg/kg may be needed to reach the desired endpoint but usually does not exceed 10 mg. Prolonged sedation and risk of hypotension may be associated with the higher doses.

4. Pediatric patient 12 to 16 years of age: Should be dosed as adults. Prolonged sedation may be associated with the higher doses. Total dose of midazolam will require higher than recommended adult doses but the total dose rarely does not exceed 10 mg.

The dose of midazolam may be required in patients premedicated with opioid or other sensitive agents including midazolam. Higher risk or debilitated patients may require lower doses whether or not co-sedating medications have been administered (see WARNINGS).

USUAL PEDIATRIC DOSE (INDO-ANESTHETICS)

To initiate sedation, an intravenous loading dose of 0.05 to 0.1 mg/kg administered over 20 to 30 seconds can be used to establish the desired clinical effect. In PEDIATRIC USE, TRACHEA intubation, (including endotracheal intubation) should be initiated as a rapid intubation (load). This loading dose may be followed by a continuous intravenous infusion to maintain this effect. An infusion of midazolam has been used in patients where intubation was initiated but who were slowed to breath spontaneously. Assisted ventilation is recommended for pediatric patients who are receiving either central nervous system depressant medications such as opioid. Based on pharmacokinetic parameters and reported clinical experience, co-sedation with midazolam should be initiated at a dose of 0.025 to 0.1 mg/kg to 0.1 mg/kg (1 to 2 mg/kg/hr). The rate of infusion may be increased or decreased (potency by 25% of the initial or subsequent infusion rate) as required, or supplemental intravenous doses of midazolam can be administered to increase or maintain the desired effect. Frequent assessment at regular intervals using standard sedation scales is recommended. Drug clearance may be delayed in patients receiving erythromycin and/or other P450 3A4 enzyme inhibitors (see Drug interactions section) and in patients with liver dysfunction, low cardiac output (especially those receiving inotropic support), and in patients with renal failure (and thus prolonged monitoring of respiratory rate and oxygen saturation).

CONTINUOUS INTRAVENOUS INFUSION

For sedation in critical care settings.

CONTINUOUS INTRAVENOUS INFUSION

For sedation in critical care settings.

Based on pharmacokinetic parameters and reported clinical experience in patients and term neonates. While TRACHEA WAS INTUBATED, continuous intravenous infusion of midazolam bisulfate should be initiated at a rate of 0.03 mg/kg/hr (0.5 mcg/kg/min) for 24 weeks and 0.08 mg/kg/hr (1 mcg/kg/min) in neonates >2 weeks. Intravenous loading doses should not be used in neonates, rather the infusion may be run more rapidly for the first several hours to obtain therapeutic plasma levels. The rate of infusion in the first 24 hours should be increased to 0.1 mg/kg/hr (1.5 mcg/kg/min) to maintain the loading rate. After 24 hours, the infusion rate should be reduced and reduce the potential for drug accumulation. This is particularly important because of the potential for adverse effects related to metabolism of the benzodiazepine (see Usage in Patients (Infants and Neonates)). Hypotension may be observed in patients who are critically ill and in infants and term infants, particularly those receiving fentanyl and/or when midazolam is administered rapidly. Due to an increased risk of apnea, extreme caution is advised when switching between former and former patients whose trachea is not intubated.

Particular drug products sheets to inspect visually for particulate matter and discoloration prior to administration, whenever solutions and

Parenteral drug products should be inspected visually for particulate matter and discolouration prior to administration, whenever solution and container permit.

HOW SUPPLIED

Midazolam injection, USP is available in the following:

1 mg/mL midazolam hydrochloride equivalent to 1 mg midazolam/ml.

2 mL Vial packaged in 10s [REDACTED] and in 25s [REDACTED]

5 mL Vial packaged in 10s [REDACTED]

10 mL Vial packaged in 10s [REDACTED]

5 mg/mL midazolam hydrochloride equivalent to 5 mg midazolam/ml.

1 mL Vial packaged in 10s [REDACTED]

2 mL Vial packaged in 10s [REDACTED]

10 mL Vial packaged in 10s [REDACTED]

STORAGE

Store at 20°-25°C (68°-77°F), excursions permitted to 15°-30°C (59°-86°F) (See USP Controlled Room Temperature).